

III. REMARKS

1. The rejection of claims 17 and 34 over the combination of US Patent Pub. No. 2003/0148774 (the '774 publication) in view of Boltz (US Patent No. 6,311,055) under 35 U.S.C. §103(a) is not proper because both the '774 Publication and the instant application are commonly owned. (It is noted that the Office action states that patent publication number 2003/0148774 is to Bull et al. This is not correct. The '774 Publication is to Naghian et al.)

Pursuant to 35 U.S.C. §103(c) subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

In this case, '774 Publication can only qualify as prior art under 35 U.S.C. §102(e). The '774 Publication is owned by Nokia Corporation. The instant application is also commonly owned by Nokia Corporation. Thus, the instant application and '774 Publication, were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Therefore, pursuant to 35 U.S.C. §103(c) Bull does not qualify as prior art for purposes of 35 U.S.C. §103(a).

The rejection of claims 17 and 34 over '774 Publication and Boltz under 35 U.S.C. §103(c) is improper and should be withdrawn.

Applicant also notes that there are once again mistakes in the Office Action. The rejection under 35 U.S.C. §103(a) refers to "Korpela". However, as previously noted, Korpela is also commonly owned by the Applicant and does not qualify as prior art under 35 U.S.C. §103(c).

2. Claims 1-16 and 18-33 are not anticipated by Bull under 35 U.S.C. §102(e). It is respectfully noted that this rejection is the same as the rejection set forth in the office action mailed January 10, 2006. Despite Applicant's detailed traversal of this rejection, the Examiner has not provided a rebuttal, except to reiterate the very same reasoning as set forth on January 10, 2006. The Examiner is requested to consider Applicant's arguments with due regard.

Claim 1 recites that a subscriber terminal transmits a request message for a location service to the core network and at least one service function required in the request message is then performed. The core network transmits a response message to the subscriber terminal. These features are not disclosed or suggested by Bull. Bull does not disclose or suggest transmitting a response or request message for a location service.

Bull monitors a set of signaling links of the wireless communication system and detects at least one predefined signaling transaction occurring on the predefined signaling links. In response to the detection of a predefined network transaction, a predefined location service is triggered.

The network transactions comprise an identity request transaction, a network measurement transaction, an SMS transaction, an SMS origination transaction, an SMS termination transaction, a mobile origination transaction, and a mobile termination transaction. [0029]. The predefined triggers comprise a dialed digit trigger, an MSID trigger, a historical cell trigger, a cell ID trigger, a wide area localizing trigger, a smart proximity location trigger, and a calling number trigger. [0025]. However, there is no disclosure related to a "request message" for a "location service" as claimed by Applicant.

In Bull, a Link Monitoring System (LMS) monitors Abis, A and GSM-MAP interface traffic on a subscriber by subscriber basis. [0025]. This is passive, non-intrusive monitoring and does not relate to transmitting a request for a location service as claimed by Applicant.

Bull does not disclose or suggest transmitting a “request message” for location service as claimed by Applicant. The Examiner refers to paragraph [0029] as support for this proposition. However, all that this section of Bull discloses is the ability to identify and locate wireless devices based on their presence in a defined geographic location. This is done by initiating a network transaction. However, there is no reference here, or anywhere else in Bull to transmitting a request message for location service as claimed by Applicant.

Bull also does not disclose or suggest performing a service function disclosed in a request message as claimed. The portion of Bull relied on by the Examiner for support only describes resource management and protocol exchange. There is no disclosure related to performing a service function disclosed in a request message as claimed by Applicant.

There is also no disclosure in Bull related to using packet switch connections between the core network, the radio network and the subscriber terminal to transmit the request and response message. The Examiner has not addressed this feature claimed by Applicant in the rejection, presumably because it is not disclosed or suggested by the reference.

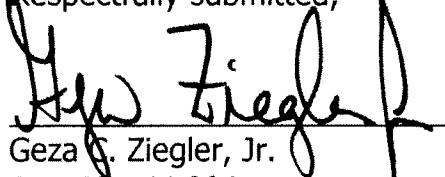
Thus, there is no support for the assertion that Bull anticipates claim 1. Claim 18 recites similar limitations and is equally not anticipated.

Claims 2-16 and 19-33 should be allowable at least by reason of their respective dependencies.

Should any unresolved issues remain, the Examiner is invited to call Applicants’ attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Geza G. Ziegler, Jr.
Reg. No. 44,004

21 Dec 2007

Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

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